



CRL MP(MD) No.12696 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.12696 of 2024

in

CRL OP(MD)No.20577 of 2024

1 JANNATH

2 NILOFER NISHA

... PETITIONERS/PETITIONERS

Vs

RASHEETH BANU

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to STAY all further proceedings in C.C. No. 93 of 2024 pending on the file of the learned Judicial Magistrate - V, Tirunelveli and pending disposal of the above Criminal Original Petition.

Prayer in CRL OP(MD). 20577/ 2024 :

To call for the records relating to the C.C. No. 93 of 2024 pending on the file of the learned Judicial Magistrate - V, Tirunelveli and quash the same as against the petitioner.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.G.KARUPPASAMY PANDIYAN, Advocate for the petitioner while admitting the Criminal Original Petition,, the Court made the following order:-



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The petitioners / A2 and A3, who are facing trial in C.C.No.93 of 2024, on the file of the Judicial Magistrate Court No.V, Tirunelveli, for the offences under Sections 294(b), 352 and 506(ii) of I.P.C., have filed the quash application.

2. The contention of the learned counsel for the petitioners is that the second petitioner and the second respondent's son, Abumohamed Shali, got married on 02.01.2022. During the marriage, customary Stridhana articles and jewels were presented. However, after the marriage, the second petitioner was ill-treated, abused, and subjected to harassment and cruelty. As a result, on 15.06.2022, she was chased out from her matrimonial home. Subsequently, a complaint was lodged on 17.11.2022, and a case in Crime No.27 of 2022 was registered under Sections 498-A, 406, and 506(i) of the IPC. The investigation was completed, and a charge sheet was filed, listing L.W.1 to L.W.8 along with the materials.

3. In retaliation, the present complaint has been filed by the respondent, who is named as the third accused in the Police case. The complaint against the petitioners alleges that they called Abumohamed Shali, who is in Saudi Arabia, and threatened him over the phone. However, there is no acceptable material or evidence to support this allegation. Despite this, the trial Court, without considering these aspects, has taken the complaint on file and issued summons against the petitioners.



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4. Considering the above submissions, this Court is inclined to grant an interim stay of all further proceedings pending in C.C.No.93 of 2024, on the file of the Judicial Magistrate Court No.V, Tirunelveli. Accordingly, an interim stay is hereby granted.

5. Notice to the respondent returnable by **17.12.2024**. Private notice is also permitted.

sd/-
26/11/2024

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/12/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



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ORDER
IN
CRL MP(MD) No.12696 of 2024
in
CRL OP(MD)No.20577 of 2024
Date :26/11/2024

SS/GSV/SAR- /04/12/2024/ 4P/3C

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